

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Robert Wayne Kerner,

Plaintiff

v.

United States of America, et al.,

Defendants

Case No.: 2:23-cv-01872-JAD-MDC

**Order Striking Motion for Default
Judgment and Notices Filed in
Contravention of Court Order**


[ECF Nos. 109, 110, 111]

Pro se plaintiff Robert Wayne Kerner sues the United States for medical malpractice, alleging that he was misdiagnosed and mistreated at the Department of Veterans Affairs Medical Center in North Las Vegas, Nevada. In a July 16, 2025, order,¹ and as a result of Kerner's history of repeatedly filing frivolous motions based on a many-times-rejected theory and "notices" that have no legal effect and are not filed in accordance with a proper, court-authorized procedure, this court warned Kerner that

- Future motions, notices, or other filings in this case based on the assertion that the government has not answered the operative complaint will be summarily denied or struck and do not require a response by the defendant; and
- "Notices" that are not explicitly authorized by, and do not cite to, a rule of this court should not be filed, will be disregarded, and may be struck from the docket without prior notice. If Kerner seeks relief from or desires to make a request for action by this court, that request must be filed as a proper motion that complies with Local Rule 7-2, not as a "notice."

¹ ECF No. 108.

1 Kerner has since filed yet another motion for default judgment based on the repeatedly
2 rejected theory that the defendant has not provided a proper answer [ECF No. 110], a “Notice
3 Regarding Procedural Mandates Under FRCP 55(a)” [ECF No. 109], and a “Supplemental
4 Notice of Ongoing Judicial Misconduct, Procedural Disparity, and Denial of Fair Access” [ECF
5 No. 111]. **These filings violate this court’s July 16th order.** For that reason, **IT IS**
6 **ORDERED THAT Kerner’s motion for default judgment [ECF No. 110], “Notice**
7 **Regarding Procedural Mandates Under FRCP 55(a)” [ECF No. 109], and “Supplemental**
8 **Notice of Ongoing Judicial Misconduct, Procedural Disparity, and Denial of Fair Access”**
9 **[ECF No. 111] are STRUCK. Continued violations of this court’s order may result in**
10 **further sanctions against Kerner.**

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12 U.S. District Judge Jennifer A. Dorsey
13 July 27, 2025
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